SBCivil Writ Petition No.4256/2006

Jugal Kishore
Vs.
State of Rajasthan & Ors.

Date of Order :: 7th August, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. H.R.Chawla, for the petitioner.

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By this petition for writ a challenge is given to the order dated 15.7.2006 whereby the Chief Engineer, Public Works Department, Jaipur cancelled the order of transfer dated 14.7.2006 qua the petitioner.

It is urged by counsel for the petitioner that cancellation of order of transfer is not competent as in pursuant to the transfer order dated 14.7.2005 the petitioner was already relieved from the place where he was working. To substantiate the contention reliance is placed upon a judgment of this Court in the case of Narpat Singh Rajpurohit v. State of Rajasthan, reported in WLR 1991(S) Raj 136.

In the case of Narpat Singh Rajpurohit (supra) this Court held that once a person has been relieved and joined his duties in pursuant of an order of transfer, then the transfer cannot be cancelled as it has already been executed.

In the instant matter though the petitioner was relieved from the office where he was working but he did not join at the place where he was transferred, therefore, it cannot be said that the order of transfer was executed and it was not open for the respondents to pass the order of cancellation. In view of it the law laid down by this Court in the case of Narpat Singh Rajpurohit (supra) is having no application in present controversy. I also not find any illegality in the order dated 15.7.2006. The transfer order and its cancellation or modification, whatever that may be, can always be made by the competent authority in administrative exigency.

Consequently, I do not find any force in the instant petition for writ and the same, therefore, is dismissed.

(GOVIND MATHUR),J.

kkm/ps.